

TOWN OF FLORENCE

VARIANCE PROCESS Application & Checklist

Planning & Zoning Department

P.O. Box 2670

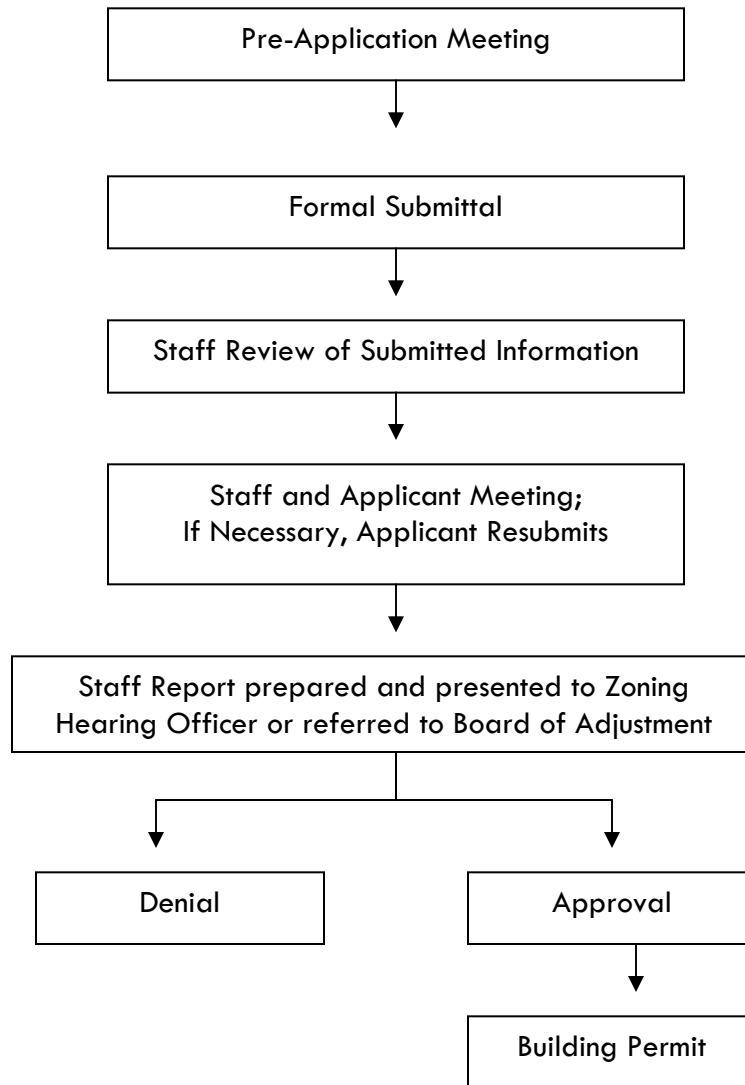
600 North Main Street

Florence, Arizona 85132

(520) 868-7575

www.florenceaz.gov

VARIANCE APPLICATION PROCESS



VARIANCE APPLICATION PROCEDURES

The following information is provided to assist in the preparation and submittal of an application for a Variance for a property within the Town of Florence.

A Variance provides a mechanism for relief from the strict application of the Zoning Code where strict application will deprive the property owner of privileges enjoyed by similar properties. A variance may be granted with respect to dimensional and performance standards including, but not limited to, site dimensions, yards, height of structures, distance between structures, open space requirements, signage dimensions, fences, and walls. No application for a variance from the use regulations of the Zoning Code will be accepted.

1. **Pre-Application Review Process** – Prior to filing an application for a variance, the applicant must complete the Pre-Application review meeting with the Planning & Zoning Department.

A pre-application meeting with the Town's Technical Review Committee is recommended for most development applications. Applicant must set a meeting time with the Planning and Zoning Department prior to the submittal deadline.

2. **Application Filing** – For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. Ensuring the accuracy of the request is the responsibility of the applicant. Applications will not be accepted or processed without an adequate description of the "Request" being submitted. Variance requests to deviate from multiple sections of the code may be combined on one application for the same property address. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will not be accepted.
3. **Staff Review** – Upon receiving a complete application, the submitted information will be reviewed by the staff to determine if any additional information is required to process the application. Comments will be returned to the applicant within thirty (30) days of submission. The applicant is responsible for addressing staff comments and submitting revised plans.
4. **Property Posting (Sign)** – Notice of Public Hearing for a variance must be posted at least fifteen (15) calendar days prior to the date of each public hearing. The applicant is responsible for posting the sign on the property, subject to the following specifications and requirements:
 - a. Posting, maintenance, and removal of signs are the responsibility of the applicant. The applicant must remove all signs within ten (10) days of the public hearing. If the sign is not removed on time, the Town will remove the sign and charge the applicant a removal fee;

- b. The signs must comply with the attached sign criteria;
 - c. The applicant must submit a signed and dated affidavit of posting, and color photos of the posted signs prior to the public hearing;
 - d. Failure of the applicant to provide evidence of posting will result in a postponement of the public hearing. The applicant will be charged a fee for the postponement.
- 5. **Staff Reports** – After the staff comments have been addressed and the application has been scheduled for the public hearings, the Planning & Zoning Department will prepare a report describing and evaluating the proposed project and making recommendations to the Board of Adjustment. A copy of the staff report will be made available to the public and the applicant prior to the public hearing.
- 6. **Public Hearing** – The Zoning Hearing officer will conduct a public hearing for variance applications a minimum of forty-five (45) days after receipt of the request. The decision of the Hearing Officer will be based whether the variance requests meets the findings required by the state statute (Arizona Revised Statutes A.R.S. 9-462.06) Hearings are held at the Florence Town Hall, 775 North Main Street. The applicant or project representative must be present at the hearing. The Hearing Officer will approve, approve with modifications and/or conditions or deny the request.
- 7. **Referral to Board of Adjustment** – The Zoning Hearing Officer may, upon review of the facts of the application, determine that the case merits review by the Board of Adjustment. In such cases, the Hearing Officer will prepare a written statement of the reasons for referring the matter to the Board. Staff will schedule the matter for hearing at the next available Board of Adjustment hearing and submit the Hearing Officer's statement to the Board along with the staff report.
- 8. **Building Permits** – Only after the variance has been approved can a building permit be issued. All construction documents for the project must conform to exhibits approved by the Board of Adjustment, including any conditions of approval. Permit may not be issued until the 30 day statutory appeal period has expired.
- 9. **Inactive Cases** – All applications need to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. Thirty (30) days prior to that date the staff will notify the applicant in writing. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Director may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.

REQUIRED FINDINGS

A Variance cannot be granted unless evidence is presented that satisfies, at a minimum, the five conditions listed below, as mandated by Arizona Revised Statutes A.R.S. 9-462.06. Failure to adequately provide such information may result in a continuance or denial of your case (attach additional sheet if necessary).

The Zoning Hearing Officer or the Board of Adjustment may only approve a variance after finding evidence that:

1. Please explain what special circumstances or conditions apply to the land, building, or use referred to in the application which do not apply to other similar properties in the same zoning district. Special circumstances or conditions would include, for example: an unusual lot size, shape, or topography. This condition is considered a property hardship and it must be a condition relating to the property that is so unique it cannot be replicated on any other similarly zoned property in the Town.
2. Please provide information that proves the special circumstances on your property were not created by the owner, any previous owner, or applicant. The property hardship cannot be self-imposed.
3. Please provide information that proves the special circumstances or condition is not so typical so as to justify an amendment to the Zoning Code.
4. Please state why the authorizing of this variance is necessary for the preservation and reasonable enjoyment of substantial property rights. In other words, without you being granted this variance, your property cannot be reasonably used. You will not be granted a variance if your property can be used, even if it is in a manner other than that desired by the owner or applicant.
5. Please explain why authorizing this variance application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare in general. A variance that will not be compatible with the surrounding development or will create an adverse impact on other properties cannot be approved.

VARIANCE CONTENT REQUIREMENTS

1. Project Narrative

- ☐ A Variance cannot be granted unless evidence is presented that satisfies, at a minimum, the five conditions listed on “Required Findings”, as mandated by Arizona Revised Statutes A.R.S. 9-462.06. Failure to adequately provide such information may result in a continuance or denial of your case (attach additional sheet if necessary).

2. Site Plan

- ☐ Vicinity Map;
- ☐ Scale, north arrow, and dimensions;
- ☐ Net acres;
- ☐ Required building setbacks;
- ☐ Existing zoning on site and adjacent properties within 50 feet;
- ☐ Property lines, easements, alleys, private streets, and adjacent right-of-way and easements showing existing and future improvements, access, points, signals, etc.;
- ☐ Location of required building setbacks and spaces between buildings with dimensions;
- ☐ Location and size of any existing/proposed building(s), structure(s), or land uses; and
- ☐ Adjacent lot lines and/or structures within 50 feet.

3. Elevations (if applicable)

- ☐ All elevations of each building proposed for the project;
- ☐ Exterior dimensions;
- ☐ Material proposed; and
- ☐ Location and type of lighting fixture proposed.

4. Sign Variance applications only

- ☐ Location and dimensions of existing signs; and
- ☐ Location and dimensions of proposed signs.

VARIANCE CHECKLIST

REQUIRED MATERIALS	Applicant Checklist	Staff Verification
Application		
Fee (Please review the fee schedule for applicable fees. All fees are Non-Refundable)		
Owner's Permission Form (if application is not filed by property owner)		
Required Findings:		
Project Narrative (Justification of Variance Request)		
Site Plan (Single Family Residential): 3 copies – (8.5" X 11")		
Site Plan (Multi-Family and Non-Residential): 3 copies – Blueline or blackline prints (24" X 36") folded to approximately (9" X 12") 1 copy – (8.5" X 11") laser print or photo reduction (photocopy of color rendered plan not acceptable)		
Elevations (if applicable): 3 copies – Blueline or blackline prints (24" X 36") folded to approximately (9" X 12") 1 copy – (8.5" X 11") laser print or photo reduction (photocopy of color rendered plan not acceptable)		

STAFF TRANSMITTAL

- ☐ Florence Administration
- ☐ Florence Planning & Zoning
- ☐ Florence Public Works
- ☐ Florence Parks & Recreation
- ☐ Florence Fire
- ☐ Florence Unified School District (if applicable)

APPLICATION FOR VARIANCE REQUEST

PROJECT NAME: _____

REQUEST TYPE: ☐ Single Family ☐ Multi-Family ☐ Non-Residential

1. Property Owner: Name: _____
 Address: _____

 Phone: _____ Fax: _____
 Email: _____

2. Applicant/Developer: Name: _____
 Address: _____

 Phone: _____ Fax: _____
 Email: _____

3. Address or Location of Property: _____

4. Subdivision Name (Residential request): _____ Lot Number: _____

 Tax Parcel Numbers: _____

 Net Acres: _____ Zoning District: _____

5. Request Details: _____

6. Development Code Section: _____

SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE

DATE

FOR STAFF USE ONLY:

CASE NO. _____

APPLICATION DATE AND TIME _____

FEE \$ _____

BOA HEARING DATE _____

REVIEWED BY: _____

RECOMMENDATION: APPROVAL

DISAPPROVAL

OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is **not** the owner of the property.

I/we, the Undersigned, do hereby grant permission to: _____

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property:

Owner(s) _____
Signature

Print or Type Name

Address _____

Telephone _____

STATE OF ARIZONA)
)
County of _____) ss

On this _____ day of _____, 20 _____, before me, the undersigned Notary Public, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that _____ executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

Notary Public

POSTING REQUIREMENTS

Florence Code requires posting of a sign (or signs) announcing a Public Hearing regarding certain land-use actions a minimum of fifteen (15) days before the date of the Hearing. These actions include General Plan Amendment, Conditional Use Permits, Special Use Permits, Rezoning, and Variance Requests. It shall be the responsibility of the applicant to erect and maintain the sign on the subject property as well as maintain the current public hearing information on the sign until formal decision of the case has been made by Town Council. It shall also be the responsibility of the applicant to remove the sign after final disposition of the case. The attached Affidavit of Sign Posting must be provided to the Planning & Zoning Department within twenty-four (24) hours of the posting.

	TOWN OF FLORENCE	]- 3"
	(Planning & Zoning) or (Town Council)	]- 3"
	Public Hearing Notice	]- 4"
	(space)	
3" -[	(Action Requested)	
	(space)	
2" -[	(Project description and location)	
	(space)	
2" -[	(Time of Hearing),	]- 2"
2" -[	(Date of Hearing),	]- 2"
2" -[	775 North Main	]- 2"
	Street	
2" -[	Florence, Arizona	]- 2"
	More Information: Town of Florence Planning Department 520-868-7575	

- **Contact the Planning & Zoning Department regarding number and placement of signs**
- **Body of sign to be Brilliant Yellow and lettering to be Black**
- **Sign dimensions shall be 4' X 4'; lettering dimensions shall be as indicated**
- **Height of sign shall be 6 feet from finished grade to the top of the sign**
- **Sign shall be made of weather resistant material**
- **Placement and maintenance of sign is applicant's responsibility**
- **Applicant must post sign at least 15 calendar days prior to the hearing date**
- **Applicant must remove sign within 10 working days of final action**

AFFIDAVIT OF SIGN POSTING

Applicant Name: _____

Project Name/Location: _____

I confirm that the site has been posted as required by Town of Florence Planning & Zoning Department. A picture of the sign(s) posted on the subject site has also been submitted.

Applicant/Representative Signature

Date

This instrument was acknowledged before me on this _____ day of _____, 20__, by _____. In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission expires on _____

Return completed notarized affidavit and picture to the Planning & Zoning Department within twenty-four (24) hours of the posting.

Filename: Florence Variance Application Form_BOA.doc
Directory: \\thfl01\users\$\davidb\Downloads
Template: C:\Documents and Settings\davidb\Application
Data\Microsoft\Templates\Normal.dotm
Title: Sec. 2502. Powers and duties.
Subject:
Author: COC
Keywords:
Comments:
Creation Date: 2/4/2008 2:14:00 PM
Change Number: 5
Last Saved On: 6/1/2009 5:36:00 PM
Last Saved By: Preferred User
Total Editing Time: 13 Minutes
Last Printed On: 4/6/2010 2:46:00 PM
As of Last Complete Printing
Number of Pages: 11
Number of Words: 2,208 (approx.)
Number of Characters: 12,587 (approx.)